

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:20-CR-77
	:	
Plaintiff,	:	JUDGE TIMOTHY S. BLACK
	:	
v.	:	<u>UNITED STATES'</u>
	:	<u>RESPONSE TO DEFENDANT</u>
	:	<u>HOUSEHOLDER'S MOTION TO</u>
LARRY HOUSEHOLDER, ET AL.,	:	<u>STRIKE SURPLUSAGE FROM THE</u>
	:	<u>INDICTMENT</u>
Defendants.	:	
	:	

The United States respectfully submits this response in opposition to Defendant Larry Householder's Motion Testimony to Strike Surplusage from the Indictment. (Doc. 107 at PageID 1784.) In response, the United States asserts that the Court should deny the Defendant's motion as premature for the reasons set forth in the following memorandum.

Respectfully submitted,

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MEMORANDUM OF LAW

Defendant Householder asks the Court to strike the term “Householder’s Enterprise” from the Indictment, asserting that the term is legally irrelevant and prejudicial. In the alternative, Defendant Householder requests that the Court not show the Indictment to the jury.

The gist of Defendant’s motion is to preclude the jury from seeing the term “Householder’s Enterprise” in the Indictment. The Court’s practice – as understood by the United States – is to give jurors copies of the Court’s final instructions, not the Indictment. If the Court elects to follow this practice here, the motion would be moot. To the extent the Court’s instructions incorporate portions of the Indictment, the Defendant’s concerns are premature and can be addressed at the Court’s charging conference – after the Court has heard the evidence. At that time, the Court will be in the best position to determine which portions of the Indictment to include in the Instructions and what, if any, redactions or substitutions should be made.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response was served electronically upon all counsel of record.

s/Emily N. Glatfelter

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